

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO,
individually and on behalf of all other
similarly situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No.: 5:20-cv-03664-LHK-SVK

**[PROPOSED] ORDER RE: GOOGLE
SEARCH TERMS**

[PROPOSED] ORDER

Before the Court is the parties' Joint Submission Re: Google Search Terms. Having considered the submission, and good cause having been shown, the Court orders as follows:

For the ten Google-selected custodians (Glenn Bernston, Deepti Bhatnager, Sabine Borsay, Greg Fair, Helen Harris, Abdelkarim Mardini, Justin Schuh, Dan Stone, Alexei Svitkine, and Keith Wright) and the five Court-ordered custodians for which Google is to collect and produce documents from June 1, 2014 to the present (Unni Narayanan, Jan Hannemman, Eric Miraglia, Rahul Chowdhury, and Stephan Micklitz), in addition to the 76 searches Google has already agreed to apply, Google shall also apply the following 25 searches:

1. Incognito
2. brows* /2 private*
3. "privacy policy" OR "in control" OR (you* /10 control) OR "your privacy" OR
4 "your data"
5. "Sin Rastro"
6. (incognito OR (brow* /3 private*) OR (private /3 mode)) /p (disclos* OR
7 consent* OR confus* OR understand* OR mislead* OR misled)
8. (incognito OR (private /3 mode) OR (private /3 brows*)) /50 (purpose OR
9 design* OR created OR function* OR operate* OR "works to" OR see* OR
10 visible OR hide* OR conceal* OR track* OR associate* OR disassociate* OR
11 save* OR block* OR prevent*)
12. incognito AND ("privacy policy" OR "privacy notice" OR "incognito screen" OR
13 "new tab" OR represent* OR disclos*)
14. (user* OR consumer* OR person OR people) /50 consent* /50 (data OR
15 information)
16. (incognito OR (private /3 brows*) OR (private /3 mode)) AND (launch* OR
17 release*) AND (benefit* OR "privacy policy" OR (collect* /5 data /5 user*) OR
18 purpose OR goal*)
19. ((incognito OR (private /3 brows*) OR (private /3 mode)) AND ((data OR
20 information) /5 collect*))
21. (associate* OR association) /15 (user* OR account OR profile*)
22. (MyActivity OR "My Activity" OR profile*) AND ((private /3 brows*) OR
23 (private /3 mode) OR incognito)
24. (compli* OR comply OR audit OR investigat*) /50 ((consent /3 decree) OR
25 (consent /3 order) OR FTC OR F.T.C. OR "Federal Trade Commission")
26. (compli* OR comply) /50 ("California Consumer Privacy Act" OR CCPA OR
27 C.C.P.A. "Europe's General Data Privacy Regulation" OR GDPR OR G.D.P.R.
28 OR (privacy /3 law* OR regulation*))
29. (support* OR against* OR lobb*) /25 ("California Consumer Privacy Act" OR
30 CCPA OR C.C.P.A. OR (consumer /3 privacy /3 law*))
31. Apple /15 launch ((private /3 brows*) OR (private /3 mode))
32. ((private /3 brows*) OR (private /3 mode)) /15 Google* /15 power

18. Apple /30 Google* /15 (track* OR collect*) /3 data
19. (Brave OR Loginhood OR Killi OR BIGtoken or “Data Dividend Project” or “Nielsen”) AND (monetiz* OR value OR paid OR pay*)
20. (purchase* OR sale OR sell OR market) /25 data
21. market /5 power /25 (search OR browser* OR ads OR advertising)
22. “user data” AND (benefit* OR (revenue* /5 (ad OR advertising) OR “market power” OR (improv* /5 product*) OR (improv* /5 service*))) AND (Analytics OR “Ad Manager”)
23. (Brave OR Edge OR Opera OR Safari OR Silk OR Mozilla OR Firefox) /25 ((block* OR limit* OR stop*) /15 (“collection of data” OR “data collection” OR track*))
24. ((Chasom /3 Brown) OR (Maria /3 Nguyen) OR (William /3 Byatt) OR (Jeremy /3 Davis) OR ((Chris OR Christopher) /3 Castillo) OR (incognito)) AND (lawsuit* OR complaint* OR action* OR case)
25. (user* OR consumer*) /10 (control OR consent*) /15 data

For custodians Sundar Pichai and Brian Rakowski, for whom the Court ordered Google to produce documents for the period June 1, 2008 through December 31, 2010, Google shall use the following searches, which includes the “InPrivate” search Google already agreed to:

1. Incognito;
2. private* /3 (brows* OR mode);
3. inPrivate
4. “privacy policy”
5. (you OR your) /5 (control* OR privacy OR data);
6. (chrome OR “privacy policy” OR “terms of service” OR “terms of use”) /p (disclos* OR consent* OR confus* OR understand* OR mislead* OR misled).

IT IS SO ORDERED.

DATED: _____

Honorable Susan van Keulen
United States Magistrate Judge

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO,
individually and on behalf of all similarly
situated,

Plaintiffs,

v.

GOOGLE LLC,
Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**[GOOGLE PROPOSED] ORDER
DENYING PLAINTIFFS' ADDITIONAL
SEARCH REQUESTS**

Referral: Hon. Susan van Keulen, USMJ

[GOOGLE PROPOSED] ORDER

Before the Court is Plaintiffs' requests related to search terms. Having considered the parties' papers filed in support and in opposition thereto, the Court **DENIES** the Plaintiffs' requests and orders as follows:

For the ten Google-selected custodians for which Google is to collect and produce documents from June 1, 2014 to the present (i.e., Glenn Berntson, Deepti Bhatnagar, Sabine Borsay, Greg Fair, Helen Harris, Abdelkarim Mardini, Justin Schuh, Dan Stone, Alexei Svitkine, and Keith Wright), the Court hereby **DENIES** the Plaintiffs' request that the following additional terms be run in addition to the searches that Google has already agreed to apply, for the reasons stated in Google's portion of the parties' Joint Letter Brief:

1. Incognito
2. brows* /2 private*
3. "privacy policy" OR "in control" OR (you* /10 control) OR "your privacy" OR "your data"
4. "Sin Rastro"
5. (incognito OR (brow* /3 private*) OR (private /3 mode)) /p (disclos* OR consent* OR confus* OR understand* OR mislead* OR misled)
6. (incognito OR (private /3 mode) OR (private /3 brows*)) /50 (purpose OR design* OR created OR function* OR operate* OR "works to" OR see* OR visible OR hide* OR conceal* OR track* OR associate* OR disassociate* OR save* OR block* OR prevent*)
7. incognito AND ("privacy policy" OR "privacy notice" OR "incognito screen" OR "new tab" OR represent* OR disclos*)
8. (user* OR consumer* OR person OR people) /50 consent* /50 (data OR information)
9. (incognito OR (private /3 brows*) OR (private /3 mode)) AND (launch* OR release*) AND (benefit* OR "privacy policy" OR (collect* /5 data /5 user*) OR purpose OR goal*)
10. ((incognito OR (private /3 brows*) OR (private /3 mode)) AND ((data OR information) /5 collect*))
11. (associate* OR association) /15 (user* OR account OR profile*)

12. (MyActivity OR “My Activity” OR profile*) AND ((private /3 brows*) OR (private /3 mode) OR incognito)
13. (Brave OR Loginhood OR Killi OR BIGtoken or “Data Dividend Project” or “Nielsen”) AND (monetiz* OR value OR paid OR pay*)
14. “user data” AND (benefit* OR (revenue* /5 (ad OR advertising) OR “market power” OR (improv* /5 product*) OR (improv* /5 service*))) AND (Analytics OR “Ad Manager”)
15. (Brave OR Edge OR Opera OR Safari OR Silk OR Mozilla OR Firefox) /25 ((block* OR limit* OR stop*) /15 (“collection of data” OR “data collection” OR track*))
16. ((Chasom /3 Brown) OR (Maria /3 Nguyen) OR (William /3 Byatt) OR (Jeremy /3 Davis) OR ((Chris OR Christopher) /3 Castillo) OR (incognito)) AND (lawsuit* OR complaint* OR action* OR case)
17. (user* OR consumer*) /10 (control OR consent*) /15 data

For the ten Google-selected custodians for which Google is to collect and produce documents from June 1, 2014 to the present (i.e., Glenn Berntson, Deepti Bhatnagar, Sabine Borsay, Greg Fair, Helen Harris, Abdelkarim Mardini, Justin Schuh, Dan Stone, Alexei Svitkine, and Keith Wright), the Court hereby **DENIES** the Plaintiffs’ request that the following additional terms be run pending the parties’ either resolving or briefing the propriety of the Requests for Production associated with the following terms:

18. (compli* OR comply OR audit OR investigat*) /50 ((consent /3 decree) OR (consent /3 order) OR FTC OR F.T.C. OR “Federal Trade Commission”)
19. (compli* OR comply) /50 (“California Consumer Privacy Act” OR CCPA OR C.C.P.A. “Europe’s General Data Privacy Regulation” OR GDPR OR G.D.P.R. OR (privacy /3 law* OR regulation*))
20. (support* OR against* OR lobb*) /25 (“California Consumer Privacy Act” OR CCPA OR C.C.P.A. OR (consumer /3 privacy /3 law*))
21. Apple /15 launch ((private /3 brows*) OR (private /3 mode))
22. Apple /30 Google* /15 (track* OR collect*) /3 data
23. market /5 power /25 (search OR browser* OR ads OR advertising)
24. (purchase* OR sale OR sell OR market) /25 data
25. ((private /3 brows*) OR (private /3 mode)) /15 Google* /15 power

For the two additional custodians for whom Google is to collect and produce documents for the period June 1, 2008 through December 31, 2010 (i.e., Sundar Pichai and Brian Rakowski), and the five additional custodians for whom Google is to collect and produce documents from June 1, 2014 to the present (i.e., Unni Narayanan, Jan Hannemman, Eric Miraglia, Rahul Chowdhury, and Stephan Micklitz), the Court hereby **DENIES** the Plaintiffs' request that the Court set aside its Order limiting the five additional custodians to ten search terms, and likewise **DENIES** the Plaintiffs' requested terms and **GRANTS** Google's offered compromise for the reasons stated in Google's portion of the parties' Joint Letter Brief:

1. Incognito /p (Chrome or brows*)
2. private* pre/3 (brows* OR mode)
3. [Domain filter: ("google.com" OR "docs.google.com")] AND (((google OR our) pre/3 "privacy policy") OR ("privacy policy" /5 (create OR creation OR amend* OR revis* OR update OR change)))
4. (you OR your OR yours) /5 ((control* OR privacy OR data) /5 (Chrome OR brows*))
5. ((Google OR our) /5 ("privacy policy" OR "terms of service" OR "terms of use")) /p (disclos* OR consent* OR confus* OR understand* OR mislead* OR misled)

THEREFORE, IT IS ORDERED that Plaintiffs' Additional Search Requests are **DENIED**.
IT IS SO ORDERED.

DATED: _____

HON. SUSAN VAN KEULEN
United States Magistrate Judge